

Sec. 1106-1. Definitions.

For the purposes of this chapter, the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

(Ordained by Ord. No. 0406-2007, § 1, eff. Jan. 1, 2008)

Sec. 1106-1-C. Cincinnati Building Code (CBC).

For the purposes of this chapter, the CBC shall be interpreted to include the Residential Code of Ohio in its entirety.

(Ordained by Ord. No. 0406-2007, § 1, eff. Jan. 1, 2008)

Sec. 1106-1-O. Ohio Construction Industry Licensing Board (OCILB) Licensed Specialty Contractors.

"Ohio Construction Industry Licensing Board (OCILB) Licensed Specialty Contractors" shall mean:

For the purposes of this chapter, any person licensed as defined by Chapter 4740 and § 715.27(F) of the Ohio Revised Code and engaging in work on projects as a/an:

- (1) Electrical contractor;
- (2) Heating, ventilating and air-conditioning (HVAC) contractor;
- (3) Hydronics (steam and hot water) contractor;
- (4) Plumbing contractor;
- (5) Refrigeration contractor.

(Ordained by Ord. No. 0406-2007, § 1, eff. Jan. 1, 2008)

Sec. 1106-1-R. Registered Building Construction Contractor.

"Registered Building Construction Contractor" shall mean:

(a) Any person that functions either on the behalf of, or as an agent for, an owner of a building, structure or site for the purpose of obtaining building permits for the structural addition, prefabrication, alteration, repair, demolition and/or new construction of any appurtenance, building, structure or site, or a portion thereof, governed by the Ohio Building Code (OBC) and/or the new construction of one, two and three family dwellings and those new appurtenances directly associated therewith as regulated by the CBC.

(b) Any person that offers to provide and/or provides the means, processes and procedures for the structural addition, alteration, repair and/or new construction of any appurtenance, building, structure or site, or a portion thereof, governed by the OBC. In addition, such registration shall also include the new construction of one, two and three family dwellings and those new appurtenances directly associated therewith as regulated by the CBC.

(c) Any person or entity, commonly referred to as a subcontractor, that assumes, by secondary contract, some or all of the obligations of a general contractor, homebuilder or primary engineer, for the structural addition, alteration, repair, demolition and/or new construction of any appurtenance, building, structure or site, or a portion thereof, governed by the OBC and/or the new construction of one, two and three family dwellings and those new appurtenances directly associated therewith as regulated by the CBC. In

addition, such registration shall also include a person or entity engaged in the aforementioned activities, other than an OCILB licensed specialty contractor, that enters into a contractual agreement with the general contractor, homebuilder or primary engineer for the performance of any portion of the aforementioned activities.  
(Ordained by Ord. No. 0406-2007, § 1, eff. Jan. 1, 2008)

Sec. 1106-1-R1. Registered Home Improvement Contractor.

"Registered Home Improvement Contractor" shall mean:

Any person or entity directly engaged in any work by the OBC or CBC involving the repair, replacement, remodeling, alteration, conversion, modernization, improvement, or addition to any land or building, or that portion thereof which is used or designed to be used as a private residence or dwelling place for one, two and three family dwellings and buildings, structures or sites associated therewith governed by the OBC or the CBC; and shall include, but not be restricted to, the construction, replacement, or improvement of driveways, swimming pools, porches, garages, fallout shelters and other improvements to structures or upon land which is adjacent to a dwelling house. "Home improvement contractor" shall not include any person, business or company engaged in:

- (1) The construction of a new home building or work done by a contractor in compliance with a guarantee of completion of a new building project, or
- (2) The sale of goods or materials by a seller who neither arranges to perform nor performs directly or indirectly any work or labor in connection with the installation of or application of the goods or materials.

(Ordained by Ord. No. 0406-2007, § 1, eff. Jan. 1, 2008)

Sec. 1106-3. General.

(a) The purpose of this chapter is to provide minimum qualification standards for the herein defined areas of construction-related contracting within the corporate limits by requiring that such specific areas of contracting herein regulated will be performed under the supervision, direction and control of registered contractors for the protection of life, limb, health, property and for the safety and welfare of the general public and the owners and occupants of all buildings and structures.

(b) The provisions of this chapter for contractor registration apply to the permitted construction, addition, prefabrication, alteration, repair, demolition, maintenance, new construction, maintenance, repair, replacement, remodeling, alteration, conversion, modernization and improvement of all types of any appurtenance, building, structure or site, or a portion thereof or associated therewith, including the building service equipment associated therewith, that is either governed or regulated by the Cincinnati Building Code (CBC) or the Ohio Building Code (OBC).

(c) For the purpose of this chapter, an architect, professional engineer, or any other such person who is required by Chapter 4703 or Chapter 4733 of the Ohio Revised Code to attain standards of competency or experience as a prerequisite to engaging in such profession is considered a professional service provider. When such an individual is acting exclusively within the scope of the profession for which they are either licensed or registered pursuant to such law, they are exempted from registration as a contractor.

(Ordained by Ord. No. 0406-2007, § 1, eff. Jan. 1, 2008)

**Sec. 1106-5. OCILB Licensed Specialty Contractor Registration Required.**

No person or entity shall undertake or perform work requiring a permit of any Ohio Construction Industry Licensing Board (OCILB) licensed specialty contractor, as defined by Chapter 4740 and § 715.27(F) of the Ohio Revised Code, within the corporate limits without first obtaining an OCILB licensed specialty contractor registration from the chief building official. Such work within the corporation limits shall only be transacted by an OCILB licensed specialty contractor duly registered by the department of planning, buildings and inspections division or as otherwise permitted by local, state or federal law or regulation.

In addition, it shall be unlawful for any person other than an owner, officer, partner, or employee of an OCILB licensed specialty contractor, to represent or advertise him or herself, for or without compensation, either publicly or privately, as being ready, willing or able to contract to undertake or offer to undertake, to plan for, lay out, supervise, install and/or make additions, alterations or repairs in or for the building service equipment installation of any electrical, plumbing, heating, ventilating and air conditioning (HVAC), refrigeration or hydronics system in any building or structure governed by the CBC, unless such work will be performed under the direction, supervision and authority of a duly registered OCILB licensed specialty contractor as required by this section.

No OCILB licensed specialty contractor registration shall be required of any person when acting in the particular capacity or particular type of transaction set forth in this subsection as follows:

- (1) A tradesperson who performs labor or services for a department-registered OCILB specialty contractor for wages, salary, or compensation of any type, manner or form provided such person is a direct employee or a legally leased tradesperson under the direct supervision of the registered OCILB licensed specialty contractor;
- (2) Any retail clerk, clerical, administrative, or other employee of a department-registered OCILB specialty contractor, as to a transaction on the premises of the contractor.

(Ordained by Ord. No. 0406-2007, § 1, eff. Jan. 1, 2008; a. Ord. No. 0032-2008, § 1, eff. March 7, 2008)

**Sec. 1106-7. OCILB Licensed Specialty Contractor Registration Requirements.**

Upon the payment of the nonrefundable fee and submission of a complete application for an OCILB licensed specialty contractor registration in accordance with § 715.27 of the Ohio Revised Code, the department of planning, buildings and inspections division shall immediately issue to such applicant an OCILB licensed specialty contractor registration. The expiration of an OCILB licensed specialty contractor registration shall coincide with the specialty license issued by the OCILB.

The continued validity or renewal of an OCILB licensed specialty contractor registration is dependent upon the continued maintenance of all the following:

- (1) A current, valid OCILB specialty contractor license and its required liability insurance coverage;
- (2) The required city bond;
- (3) State of Ohio workers compensation coverage; and

(4) An account in good standing with the city income tax division.  
(Ordained by Ord. No. 0406-2007, § 1, eff. Jan. 1, 2008; a. Ord. No. 0032-2008, § 3, eff. March 7, 2008)

**Sec. 1106-9. Building Construction Contractor Registration Required.**

No person or entity shall undertake or perform work requiring a permit of a registered building construction contractor, as defined in this chapter, without first obtaining a building construction contractor registration from the chief building official. Such work within the corporation limits shall only be transacted by a building construction contractor duly registered or as otherwise permitted by local, state or federal law or regulation.

(Ordained by Ord. No. 0406-2007, § 1, eff. Jan. 1, 2008; a. Ord. No. 0032-2008, § 5, eff. March 7, 2008)

**Sec. 1106-11. Building Construction Contractor Registration Requirements.**

Any person or entity, before engaging in work requiring a permit as a registered building construction contractor, shall submit an application for such registration to the chief building official on a form prescribed therefor, pay the nonrefundable fee and comply with all registration requirements required by this chapter. The department of planning, buildings and inspections division shall review and process the application within a reasonable time and in accordance with the rules, regulations and procedures established by the chief building official.

The continued validity or renewal of a building construction contractor registration is dependent upon the continued maintenance of all the following:

- (1) Proof of current and valid liability insurance coverage;
- (2) The required city bond;
- (3) State of Ohio workers compensation coverage; and
- (4) An account in good standing with the city income tax division.

(Ordained by Ord. No. 0406-2007, § 1, eff. Jan. 1, 2008; a. Ord. No. 0032-2008, § 7, eff. March 7, 2008)

**Sec. 1106-13. Home Improvement Contractor Registration Required.**

No person or entity shall undertake or perform work requiring a permit of a registered home improvement contractor, as defined in this chapter, without first obtaining a home improvement contractor registration from the chief building official. Such work within the corporation limits shall only be transacted by a home improvement contractor duly registered or as otherwise permitted by local, state or federal law or regulation.

(Ordained by Ord. No. 0406-2007, § 1, eff. Jan. 1, 2008; a. Ord. No. 0032-2008, § 9, eff. March 7, 2008)

**Sec. 1106-15. Home Improvement Contractor Registration Requirements.**

Any person or entity, before engaging in work requiring a permit as a registered home improvement contractor, shall submit an application for such registration to the director of the chief building official on a form prescribed therefor, pay the nonrefundable fee and comply with all registration requirements required by this chapter. The department of planning, buildings and inspections division shall review and process the application

within a reasonable time period and in accordance with the rules, regulations and procedures established by the chief building official.

The continued validity or renewal of a home improvement contractor registration is dependent upon the continued maintenance of all the following:

- (1) Proof of current and valid liability insurance coverage;
- (2) The required city bond;
- (3) State of Ohio workers compensation coverage; and
- (4) An account in good standing with the city income tax division.

(Ordained by Ord. No. 0406-2007, § 1, eff. Jan. 1, 2008; a. Ord. No. 0032-2008, § 11, eff. March 7, 2008)

#### Sec. 1106-17. Permits.

A permit required by the provisions of the OBC or the CBC shall be issued only to an OCILB licensed specialty contractor, building construction contractor or home improvement contractor holding a valid registration as required herein, or to a homeowner exempted from registration under this chapter and that permit may be issued to an OCILB licensed specialty contractor, building construction contractor or home improvement contractor only for work in the areas for which the contractor holds a valid registration. A homeowner exempted from registration under this chapter shall provide with the permit application the name of the general contractor the homeowner intends to use on the project for which a permit is being sought. An OCILB licensed specialty contractor, building construction contractor or home improvement contractor shall provide with the permit application the names of the known subcontractors, if any, they plan to utilize on the project for which they seek the permit.

(Ordained by Ord. No. 0406-2007, § 1, eff. Jan. 1, 2008)

#### Sec. 1106-19. Certificate of Occupancy.

A general contractor shall provide with the request for certificate of occupancy a list of all subcontractors used on the project for which the certificate of occupancy is being sought.

(Ordained by Ord. No. 0406-2007, § 1, eff. Jan. 1, 2008)

#### Sec. 1106-21. Rules and Regulations.

The chief building official is authorized to establish rules, regulations and procedures consistent with the intent of this chapter, and to perform such duties as are necessary and appropriate to the administration of this chapter. Such rules and regulations shall include, but not be limited to, registration and application requirements, exemptions, application forms, contractor classifications and descriptions, late fees, assignment requirements, revocation, suspension or expiration of registration, insurance and bond requirements and chapter enforcement. Said rules, regulations and procedures shall not be inconsistent with the provisions of this chapter, the Cincinnati Municipal Code, or state and federal laws and regulations.

(Ordained by Ord. No. 0406-2007, § 1, eff. Jan. 1, 2008; a. Ord. No. 0032-2008, § 13, eff. March 7, 2008)

#### Sec. 1106-23. Registration Fees.

The initial registration and annual renewal fee for all registrations required under this chapter shall be \$125.00 payable to the department of planning, buildings and inspections division as provided by this chapter and the rules and regulations promulgated by the chief building official.

(Ordained by Ord. No. 0406-2007, § 1, eff. Jan. 1, 2008; a. Ord. No. 0032-2008, § 15, eff. March 7, 2008)

**Sec. 1106-25. Expiration and Renewal.**

An applicant may apply for a registration for a one, two or three-year period. Registration shall be renewable during the 30-day period immediately preceding the expiration date.

(Ordained by Ord. No. 0406-2007, § 1, eff. Jan. 1, 2008)

**Sec. 1106-27. Suspension and Revocation of Registration.**

Any registration as provided for in this chapter may be revoked, suspended or refused by the chief building official for good cause shown including, but not limited to the following:

- (1) Misrepresentation or false statement made in obtaining a registration;
- (2) Any violation of a provision of this chapter or of the rules and regulations promulgated hereunder, or failure to comply with any provision of this chapter or of the rules and regulations promulgated hereunder or lawful order of the chief building official;
- (3) Any failure to comply with the provisions of this chapter, the laws and regulations of the State of Ohio, or the ordinances of the City of Cincinnati, the CBC or failure to provide the level of services set forth in the application and by the chief building official;
- (4) The registration holder used its registration to obtain a permit for another;
- (5) The registration holder failed to secure permits, inspections and approvals required by the OBC or the CBC;
- (6) The registration holder repeatedly installed work in an unworkmanlike manner or not in conformity with permits issued;
- (7) The holder repeatedly has been notified of violations of the OBC or the CBC and, has failed or refused to promptly correct any violation or part of it;
- (8) There have been repeated incidents of returned checks for insufficient funds or stop payment without just cause.

If the chief building official determines that probable grounds exist for denial, suspension, or revocation of a registration under this chapter, the chief building official shall notify the applicant or registered party or entity (respondent) in writing of the denial, suspension or revocation of the registration, including the findings and conclusions therefor, by personal delivery, or by certified mail. The notification shall be directed to the most current business address on file with the department of planning, buildings and inspections division.

(Ordained by Ord. No. 0406-2007, § 1, eff. Jan. 1, 2008; a. Ord. No. 0032-2008, § 17, eff. March 7, 2008)

**Sec. 1106-29. Registration Rights.**

No person or entity holding a registration as provided herein shall loan or extend the right to privileges given thereunder to any person other than the registrant or persons, not

including subcontractors, working under the registrant's direction, supervision and authority.

(Ordained by Ord. No. 0406-2007, § 1, eff. Jan. 1, 2008)

**Sec. 1106-31. Appeal.**

Any denial, suspension or revocation of any registration under this chapter may be appealed to the city manager or person designated by the city manager, who may reverse, affirm or modify the decision of the chief building official. Ineligibility penalties for violation of this chapter may also be appealed hereunder. The appeal shall be confined to a review of the written record, including written statements of the appellant and such additional information as may be permitted. The review on appeal shall be limited to consideration of the standards and requirements set forth in this chapter. The city manager or the designee may adopt the findings and conclusions issued by the chief building official or make such other findings and conclusions as appropriate.

(Ordained by Ord. No. 0406-2007, § 1, eff. Jan. 1, 2008; Emer. Ord. No. 0033-2008, § 1, eff. Feb. 6, 2008)

**Sec. 1106-33. Non-warranty.**

Responsibility for acceptable quantity and quality of work performed and for materials used by any registered contractor rests with the individual contractor. The City of Cincinnati makes no warranty relative thereto.

(Ordained by Ord. No. 0406-2007, § 1, eff. Jan. 1, 2008)

**Sec. 1106-35. State and Federal Law.**

The provisions of this chapter shall be enforced unless otherwise provided, authorized or prohibited by state or federal law or regulation.

(Ordained by Ord. No. 0406-2007, § 1, eff. Jan. 1, 2008)

**Sec. 1106-37. Homeowner's Exception.**

No provision herein shall be interpreted to require that the owner of a one, two or three family dwelling shall be registered under this chapter in order to personally perform work upon the premises, provided the same will be occupied by said owner for at least one year. All work done by an owner shall be in conformity with the provisions of the OBC and CBC and rules and regulations promulgated under it, and no work shall be done unless owner is in compliance with all permits, inspections and approvals required by the OBC and CBC.

(Ordained by Ord. No. 0406-2007, § 1, eff. Jan. 1, 2008)

**Sec. 1106-99. Penalties.**

Whoever violates any provision of this chapter of the Cincinnati Municipal Code shall be subject to a Class D Civil Offense as defined by Cincinnati Municipal Code section 1501-9, and subject to a 50 percent reduction for correction of the violation as set forth in section 1501-9(a) and shall be ineligible to be registered under this chapter for a period of one year from the date of the violation, unless it is shown in accordance with section 1501-15 that the violation has been corrected.

If a person or entity has previously been found to have violated a provision of this chapter within one year that person or entity may be charged as a second offender and on being found to have committed a second or subsequent offense is liable for the civil fine for the subsequent offense provided in Cincinnati Municipal Code section 1501-9(a), which fine is specified in section 1501-99 and is not subject to reduction for correction of the violation and shall be ineligible to be registered under this chapter for a period of one year from the date of the violation.

(Ordained by Ord. No. 0406-2007, § 1, eff. Jan. 1, 2008; Emer. Ord. No. 0033-2008, § 3, eff. Feb. 6, 2008)